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HOUSE BILL 39

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

John A. Heaton

AN ACT

RELATING TO MOTOR VEHICLE FEES; INCREASING ADMINISTRATIVE SERVICE FEES; INCREASING DISTRIBUTIONS FROM THE MOTOR VEHICLE SUSPENSE FUND; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-2-16 NMSA 1978 (being Laws 1978, Chapter 35, Section 20, as amended) is amended to read:

"66-2-16. ADMINISTRATIVE SERVICE FEES-- COLLECTION-- REMITTANCE-- PAYMENT-- OPTIONAL SERVICE FEES-- APPROPRIATION. --

A. The secretary is authorized to establish by rule [~~or regulation~~] a schedule of administrative service fees to be collected by the agents or department to defray the costs of operation of the agents' or department's offices and of rendering service to the public. Fees shall be [~~fifty cents (\$.50)~~] one dollar (\$1.00) for each item or transaction or

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1 service performed by the agent or department for the secretary
2 and shall be collected in addition to all other fees and taxes
3 imposed.

4 B. All sums collected by an agent or the department
5 as administrative service fees shall be remitted as provided in
6 Section 66-2-15 NMSA 1978.

7 C. Administrative service fees remitted by
8 department employees shall be deposited by the state treasurer
9 into the motor vehicle suspense fund and distributed in
10 accordance with Section 66-6-23 NMSA 1978.

11 D. Notwithstanding the provisions of Subsections A
12 through C of this section, no class A county with a population
13 exceeding three hundred thousand or municipality with a
14 population exceeding three hundred thousand within a class A
15 county designated as an agent pursuant to Section 66-2-14.1
16 NMSA 1978 shall be paid an administrative service fee.

17 E. The secretary is authorized to establish by
18 [~~regulation~~] rule fees to cover the expense of providing
19 additional services for the convenience of the motoring public.
20 Any service established for which a fee is adopted pursuant to
21 this subsection shall be optional, with the fee not being
22 charged to any person not taking advantage of the service.
23 Amounts collected pursuant to this subsection are appropriated
24 to the department for the purpose of defraying the expense of
25 providing the service.

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1 F. The secretary shall review, at the end of each
2 fiscal year, the aggregate total of motor vehicle transactions
3 performed by each municipality, county or fee agent operating a
4 motor vehicle field office, and identify each office exceeding
5 ten thousand aggregate transactions per year."

6 Section 2. Section 66-6-23 NMSA 1978 (being Laws 1978,
7 Chapter 35, Section 358, as amended) is amended to read:

8 "66-6-23. DISPOSITION OF FEES. --

9 A. After the necessary disbursements for refunds
10 and other purposes have been made, the money remaining in the
11 motor vehicle suspense fund, except for remittances received
12 within the previous two months that are unidentified as to
13 source or disposition, shall be distributed as follows:

14 (1) to each municipality, county or fee agent
15 operating a motor vehicle field office:

16 (a) an amount equal to [~~six dollars~~
17 ~~(\$6.00)] eight dollars (\$8.00) per driver's license and [~~three~~
18 ~~dollars (\$3.00)] five dollars (\$5.00) per identification card
19 or motor vehicle or motorboat registration or title transaction
20 performed; and~~~~

21 (b) for each such agent determined by
22 the secretary pursuant to Section 66-2-16 NMSA 1978 to have
23 performed ten thousand or more transactions in the preceding
24 fiscal year, other than a class A county with a population
25 exceeding three hundred thousand or a municipality with a

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1 population exceeding three hundred thousand that has been
2 designated as an agent pursuant to Section 66-2-14.1 NMSA 1978,
3 an amount equal to one dollar (\$1.00) in addition to the amount
4 distributed pursuant to Subparagraph (a) of this paragraph for
5 each driver's license, identification card, motor vehicle
6 registration, motorboat registration or title transaction
7 performed;

8 (2) to each municipality or county, other than
9 a class A county with a population exceeding three hundred
10 thousand or a municipality with a population exceeding three
11 hundred thousand that has been designated as an agent pursuant
12 to Section 66-2-14.1 NMSA 1978, operating a motor vehicle field
13 office, an amount equal to [~~fifty cents (\$.50)~~] one dollar
14 (\$1.00) for each administrative service fee remitted by that
15 county or municipality to the department pursuant to the
16 provisions of Subsection A of Section 66-2-16 NMSA 1978;

17 (3) to the state road fund:

18 (a) an amount equal to the fees
19 collected pursuant to [~~Section~~] Sections 66-7-413 and
20 66-7-413.4 NMSA 1978;

21 (b) an amount equal to the fee collected
22 pursuant to Section 66-3-417 NMSA 1978;

23 (c) the remainder of each driver's
24 license fee collected by the department employees from an
25 applicant to whom a license is granted after deducting from the

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1 driver's license fee the amount of the distribution authorized
2 in Paragraph (1) of this subsection with respect to that
3 collected driver's license fee; and

4 (d) an amount equal to fifty percent of
5 the fees collected pursuant to Section 66-6-19 NMSA 1978;

6 (4) to the local governments road fund, the
7 amount of the fees collected pursuant to Subsection B of
8 Section 66-5-33.1 NMSA 1978 and the remainder of the fees
9 collected pursuant to Subsection A of Section 66-5-408 NMSA
10 1978;

11 (5) to the department:

12 (a) any amounts reimbursed to the
13 department pursuant to Subsection C of Section 66-2-14.1 NMSA
14 1978;

15 (b) an amount equal to two dollars
16 (\$2.00) of each motorcycle registration fee collected pursuant
17 to Section 66-6-1 NMSA 1978;

18 (c) an amount equal to the fees provided
19 for in Subsection D of Section 66-2-7 NMSA 1978, Subsection E
20 of Section 66-2-16 NMSA 1978, Subsections J and K of Section
21 66-3-6 NMSA 1978 other than the administrative fee, Subsection
22 C of Section 66-5-44 NMSA 1978 and Subsection B of Section
23 66-5-408 NMSA 1978;

24 (d) the amounts due to the department
25 for the manufacture and issuance of a special registration

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1 plate collected pursuant to the section of law authorizing the
2 issuance of the specialty plate; and

3 (e) an amount equal to the registration
4 fees collected pursuant to Section 66-6-6.1 NMSA 1978 for the
5 purposes of enforcing the provisions of the Mandatory Financial
6 Responsibility Act and for creating and maintaining a
7 multilanguage noncommercial driver's license testing program;

8 (6) to each New Mexico institution of higher
9 education, an amount equal to that part of the fees distributed
10 pursuant to Paragraph (2) of Subsection D of Section 66-3-416
11 NMSA 1978 proportionate to the number of special registration
12 plates issued in the name of the institution to all such
13 special registration plates issued in the name of all
14 institutions;

15 (7) to the armed forces veterans license fund,
16 the amount to be distributed pursuant to Paragraph (2) of
17 Subsection E of Section 66-3-419 NMSA 1978;

18 (8) to the children's trust fund, the amount
19 to be distributed pursuant to Paragraph (2) of Subsection D of
20 Section 66-3-420 NMSA 1978;

21 (9) to the department of transportation, an
22 amount equal to the fees collected pursuant to Section 66-5-35
23 NMSA 1978;

24 (10) to the state equalization guarantee
25 distribution made annually pursuant to the general

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1 appropriation act, an amount equal to one hundred percent of
2 the driver safety fee collected pursuant to Subsection D of
3 Section 66-5-44 NMSA 1978;

4 (11) to the motorcycle training fund, two
5 dollars (\$2.00) of each motorcycle registration fee collected
6 pursuant to Section 66-6-1 NMSA 1978;

7 (12) to the tire recycling fund:

8 (a) fifty cents (\$.50) of the tire
9 recycling fee collected pursuant to the provisions of Section
10 66-6-1 NMSA 1978;

11 (b) fifty cents (\$.50) of each of the
12 tire recycling fees collected pursuant to the provisions of
13 Sections 66-6-2 and 66-6-4 NMSA 1978; and

14 (c) twenty-five cents (\$.25) of each of
15 the tire recycling fees collected pursuant to Sections 66-6-5
16 and 66-6-8 NMSA 1978;

17 (13) to the highway infrastructure fund:

18 (a) fifty cents (\$.50) of the tire
19 recycling fee collected pursuant to the provisions of Section
20 66-6-1 NMSA 1978;

21 (b) one dollar (\$1.00) of each of the
22 tire recycling fees collected pursuant to the provisions of
23 Sections 66-6-2 and 66-6-4 NMSA 1978; and

24 (c) twenty-five cents (\$.25) of each of
25 the tire recycling fees collected pursuant to Sections 66-6-5

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1 and 66-6-8 NMSA 1978;

2 (14) to each county, an amount equal to fifty
3 percent of the fees collected pursuant to Section 66-6-19 NMSA
4 1978 multiplied by a fraction, the numerator of which is the
5 total mileage of public roads maintained by the county and the
6 denominator of which is the total mileage of public roads
7 maintained by all counties in the state;

8 (15) to the litter control and beautification
9 fund, an amount equal to the fees collected pursuant to Section
10 66-6-6.2 NMSA 1978; and

11 (16) to the local government division of the
12 department of finance and administration, an amount equal to
13 the fees collected pursuant to Section 66-3-424.3 NMSA 1978 for
14 distribution to each county to support animal control spaying
15 and neutering programs in an amount proportionate to the number
16 of residents of that county who have purchased pet care special
17 registration plates pursuant to Section 66-3-424.3 NMSA 1978.

18 B. The balance, exclusive of unidentified
19 remittances, shall be distributed in accordance with Section
20 66-6-23.1 NMSA 1978.

21 C. If any of the paragraphs, subsections or
22 sections referred to in Subsection A of this section are
23 recompiled or otherwise redesignated without a corresponding
24 change to Subsection A of this section, the reference in
25 Subsection A of this section shall be construed to be the

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1 recompiled or redesignated paragraph, subsection or section. "

2 Section 3. EFFECTIVE DATE. --

3 A. The effective date of the provisions of Section
4 1 of this act is July 1, 2005.

5 B. The effective date of the provisions of Section
6 2 of this act is August 1, 2005.

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